

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

FRESH START BVBA, et al.,

Plaintiffs,

Case No. 21-cv-10315

Hon. Matthew F. Leitman

v.

JAFFE RAITT HEUER & WEISS, PC, et al.,

Defendants.

/

ORDER FOR SUPPLEMENTAL BRIEFING

Currently before the Court is Defendants' Motion to Dismiss or, Alternatively, for Summary Judgment, Based upon Res Judicata and Collateral Estoppel (ECF No. 16). In their motion, Defendants argue that the instant action must be dismissed on the grounds of *res judicata* and/or collateral estoppel. The motion relies upon a final judgment entered last year in the Oakland County Circuit Court in a case between these same parties (the "State Court Action"). (*See* Mot., ECF No. 16.) In that judgment, the court granted summary disposition in favor of Defendants and against Plaintiff Benjamin Ginsburg. (*See* Oakland County Circuit Court Order, ECF No. 16-22.)

In response to Defendants' motion, Ginsburg has suggested that he had certain technical difficulties communicating with the Oakland County Circuit Court while litigating the State Court Action. (*See* Resp., ECF No. 21, PageID.592-596.)

However, Ginsburg has failed to cite any legal authority supporting his apparent contention that such alleged difficulties furnish a basis for this Court to disregard the preclusive force of the final judgment entered in the State Court Action. Ginsburg had ample time to find and cite such authority in his response (if such authority exists). Indeed, the Court twice extended his deadline for filing that response. (*See* First Motion for Extension, ECF No. 17, granted by text order dated Nov. 1, 2021; Second Motion for Extension, ECF No. 19; Order, ECF No. 20.)

Because Ginsburg is proceeding *pro se*, the Court determines that it will nonetheless provide him with one final chance to supplement his briefing. Accordingly, the Court **ORDERS** that, by not later than **February 15, 2022**, Plaintiff shall submit a supplemental brief in which he presents to the Court *legal argument and supporting authority* as to why the technical difficulties he allegedly experienced in litigating his State Court Action undermine the preclusive force, under the doctrines of *res judicata* and/or collateral estoppel, of the final judgment entered against him in the State Court Action. Defendants shall then file a supplemental response by not later than **March 1, 2022**.

The Court concludes that this timeline is reasonable, especially considering the amount of time Ginsburg has already had to prepare and present his arguments. The Court therefore *will not grant any extensions of this briefing schedule*, and it

intends to decide Defendants' motion (ECF No. 16) promptly upon receiving the parties' supplemental briefs.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: January 28, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 28, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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